

UNITED STATES OF AMERICA,)
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 Plaintiff,)
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 v.) No. 17-04090-01-CR-C-BCW
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 THOMAS JAMES HAYDEN,)
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 Defendant.)

Pending before the Court is the issue of defendant Thomas James Hayden's competency to stand trial. Pursuant to 18 U.S.C. §§ 4241 and 4247, the Court has ordered two psychiatric evaluations and held two hearings on the matter. (Docs. 8, 18, 19). After consideration of the evaluation reports before the Court, and the absence of objection by the parties to the information contained therein, this Court recommends issuance of an Order that defendant Thomas James Hayden is competent to stand trial and able to assist in his own defense.

In accordance with the Court's order, a forensic evaluation report was completed on April 9, 2018 and submitted to the Court by Judith (Betsy) Campbell, Ph.D. on May 1, 2018. (Doc. 15). Dr. Campbell examined the defendant at the Federal Medical Center in Lexington, Kentucky and opined that he experienced mental health symptoms that impaired his perception of reality and may interfere with his ability to assist his attorney in preparing his defense. *Id.* The principal diagnoses were cannabis use disorder and amphetamine use disorder. *Id.*

On May 7, 2018, the Court held a competency hearing regarding Dr. Campbell's report. (Doc. 18). Based on Dr. Campbell's report and the arguments, proffers, and recommendations provided by the parties during the May 7, 2018 hearing, the Court issued a Report and Recommendation asking District Judge Brian C. Wimes to find the defendant incompetent. (Doc. 19). The Court further recommended that the defendant be committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d)(1) for treatment in a federal medical center to determine whether there is a substantial probability that the defendant will attain the capacity to permit the trial to proceed. *Id.* On June 20, 2018, District Judge Brian C. Wimes adopted this Court's Report and Recommendation and the defendant was committed to the U.S. Medical Center for Federal Prisoners in Springfield, Missouri for additional evaluation. (Doc. 21).

Defendant's second mental evaluation was conducted by Ashley Christiansen, Ph.D., from July 24, 2018 through November 24, 2018. (Doc. 24). Dr. Christiansen completed a forensic psychological report on January 4, 2019, where she opined that defendant is competent to stand trial. *Id.* Dr. Christiansen specifically stated that defendant displayed an adequate factual and rational understanding of the charges and proceedings against him as well as an adequate ability to consult with his attorney in his defense. *Id.*

On March 18, 2019, the Court held a status hearing concerning defendant's competency to stand trial. During the hearing, both parties acknowledged receipt and review of the forensic psychiatric evaluation report authored by Dr. Christiansen. The parties stipulated that Dr. Christiansen would testify consistent with her report and neither party had any objections to the findings therein. Based on the forensic psychological report submitted by Dr. Christiansen, and there being no challenge to the findings in the report, the Court submits this Report and Recommendation that defendant Thomas James Hayden is competent to stand trial. Specifically, the Court finds that defendant Hayden is not presently suffering from a mental disease or defect that renders him incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

IT IS, THEREFORE, RECOMMENDED that the Court enter an order finding defendant Thomas James Hayden competent to stand trial.

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its filing will bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Dated this 18th day of March, 2019, at Jefferson City, Missouri.

Willie J. Epps, Jr.

Willie J. Epps, Jr.

United States Magistrate Judge